

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

JUDITH SNYDER and
THOMAS SNYDER

v.

TERRENCE M. REESE, FALCON
TRANSPORT CO., G.D. LEASING OF
INDIANA, INC. and COMPREHENSIVE
LOGISTICS CO., INC.

C.A. No.

JURY OF TWELVE DEMANDED

NOTICE OF REMOVAL

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF DELAWARE:

Defendants, Falcon Transport Co., G.D. Leasing of Indiana, Inc. and Comprehensive Logistics, Co., Inc. by and through their attorneys, Rawle and Henderson, LLP, respectfully aver as follows:

1. Plaintiffs have commenced a civil action against defendants in the Superior Court of Delaware in and for New Castle County. (*See Complaint attached as Exhibit "A."*) The Complaint, being the original process in this case, was served on defendant Falcon Transport Co. and G.D. Leasing of Indiana, Inc., no earlier than November 23, 2009.

2. Accordingly, this Notice of Removal was timely filed within thirty (30) days of receipt of the information indicating that the jurisdictional amount may be satisfied pursuant to 28 U.S.C. §1446 (b).

3. In the Complaint, Plaintiffs alleged that as a result of the accident at issue in this lawsuit, she:

suffered severe personal injuries, both temporary and permanent in nature, including but not limited to: back pain, neck pain, knee pain, cervical joint hypertrophy, central canal stenosis, cervical and thoracic neuroforminal stenosis, dis herniation and bulges, arm pain, shoulder pain, bilateral knee contusions, post traumatic stress disorder, chest pains, lacerations. *See Exhibit A ¶46.*

4. In addition, she claimed past and future medical expenses as well as past, future and a loss of earning capacity. *See Exhibit A ¶49 and 51.*

5. Plaintiffs have sought compensatory as well as punitive damages. *See Exhibit A page 15.*

6. Based upon a fair reading of the Complaint, plaintiff has set forth a claim in which an amount in excess of the jurisdictional limit of \$75,000, exclusive of interest and costs, may be at stake.

7. Defendant, Terrance Reese at all material times, is and was a resident and citizen of The Commonwealth of Pennsylvania. *See Exhibit A.*

8. Defendant, G.D. Leasing of Indiana, Inc. is a corporation duly organized and existing under the laws of the State of Indiana with a principal place of business at 2399 E. 15th Avenue, Gary, Indiana 46402.

9. Defendant, Falcon Transport, Co is a corporation duly organized and existing under the laws of the State of Ohio with a principal place of business at 4944 Belmont Avenue, Youngstown, Ohio 44505.

10. Defendant, Comprehensive Logistics Co., Inc. is a corporation duly organized and existing under the laws of the State of Ohio with a principal place of business at 4944 Belmont Avenue, Youngstown, Ohio 44505.

11. At all material times hereto, based upon information and belief, plaintiffs are and were residents and citizens of Delaware. *See Exhibit A.*

12. Diversity of citizenship within the meaning of 28 U.S.C. §1332, exists between plaintiffs and defendants since:

- (a) plaintiff is a citizen and resident of the State of Delaware; and
- (b) defendants are not a citizens or residents of the State of Delaware.

13. Furthermore, diversity of citizenship existed at the time the action sought to be removed was commenced and continues through the time of filing of this notice, such that defendants are entitled to removal pursuant to 28 U.S.C. §1441 as amended, and 28 U.S.C. §1446.

14. As of the date of this removal, service on defendant, Terrance Reese has yet to be effectuated. However, the undersigned counsel also represents Defendant, Terrance Reese and he has consented to the removal of this action.

WHEREFORE, defendants, Falcon Transport, Co. G.D. Leasing of Indiana, Inc. and Comprehensive Logistics Co., Inc. pray that the above-captioned action now pending in the Superior Court of Delaware in and for New Castle County, be removed there from to this Honorable Court.

RAWLE & HENDERSON LLP

By: 


Delia A. Clark (DAC #3337)
Attorneys for Defendants
300 Delaware Avenue, Ste. 1015
Wilmington, DE 19801
(302) 778-1200

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the within-captioned Notice of Removal Pursuant to 28 U.S.C. §1446(d) was served via first-class mail, postage prepaid, on counsel for plaintiff listed below:

DOROSHOW, PASQUALE, KRAWITZ, & BHAYA
Shakuntla L. Baya
Vince R. Melone
1701 Pulaski Highway
Bear, DE 19701

RAWLE & HENDERSON LLP



Delia A. Clark

Dated: December 17, 2009